

Part 5

Unlawful and Unprofessional Conduct - Penalties

58-40-501 Unlawful conduct.

"Unlawful conduct" includes:

- (1) providing, leading, facilitating, teaching, or offering to provide or teach recreational therapy services unless licensed under this chapter or exempted from licensure under Section 58-1-307 or 58-40-305;
- (2) using the initials MTRS, TRS, or TRT, or other abbreviation, term, title, or sign relating to the practice of recreational therapy services unless licensed under this chapter; and
- (3) employing or aiding and abetting the employment of an unqualified or unlicensed person to:
 - (a) practice as a recreational therapist; or
 - (b) provide recreational therapy services.

Enacted by Chapter 82, 2012 General Session

58-40-502 Unprofessional conduct.

"Unprofessional conduct" includes:

- (1) failing to supervise a therapeutic recreation technician, a student intern, or a temporarily licensed therapeutic recreation specialist when required to do so under this chapter or by rule;
- (2) failing to keep or maintain a recreational therapy treatment plan;
- (3) failing to safeguard a person's right to privacy as to the person's identity, condition, diagnosis, personal effects, or other matters about which the licensee is privileged to know from providing recreational therapy services;
- (4) failing to report to the division the unsafe, unethical, or illegal practice of a person who is providing recreational therapy services;
- (5) making sexual advances to a patient, requesting sexual intercourse or sexual favors from a patient, or engaging in other verbal or physical conduct of a sexual nature in the presence of a patient;
- (6) exploiting a patient or former patient for personal gain;
- (7) possessing or dispensing illegal or non-prescribed prescription drugs or medications;
- (8) using or being under the influence of alcohol or an illegal or non-prescribed prescription drug or medication while performing recreational therapy services; and
- (9) other actions as defined by division rule.

Enacted by Chapter 82, 2012 General Session